

Remarks

Claims 1-20 were pending in the application. Claims 1-9 were allowed. Claims 10, 11, 16, 19, and 20 were rejected. Claims 12-15, 17, and 18 were merely objected to. By the foregoing amendment, claims 12, 19, and 20 are canceled, claims 10, 13, 14, 17, and 18 are amended, and no claims are added. No new matter is presented.

Appeal

Applicant understands the application to have been withdrawn from appeal. If not, applicant requests such withdrawal for purposes of considering this amendment in response to the non-final rejection.

Allowable Subject Matter

Applicant appreciates the indication of allowable subject matter in claims 1-9, 12-15, 17, and 18. By the foregoing amendment, Allowable claim 12 has been rewritten in independent form as currently amended claim 10. Allowable claims 13, 14, 17, and 18 have respectively been rewritten in independent form.

Claims 19 and 20 have been canceled. Thus only subject matter already indicated as allowable is now presented.

Claims Rejections-35 U.S.C. 103

Claims 10, 11, 16, 19, and 20 were rejected under 35 U.S.C 103(a) as being unpatentable over DeFabio (U.S. Patent No. 6250549) in view of Collins (U.S. Patent No. 6061681. Applicant respectfully traverses the rejection.

DeFabio discloses a system wherein a person autographs an article and a still or video record is made showing the person autographing the article. The person does not autograph the photograph being made (it is noted that the article itself may be an existing photograph – col. 1, line 62 so that the photograph is of a person autographing the existing photograph). To avoid confusion, “photograph” will be used to identify those taken by the DeFabio system while “existing photograph” is used to identify an autographed memorabilia item that happens to be photographic.

Collins discloses an on-line dating service including network hardware.

Assume, arguendo, the photographs are available via the internet for subsequent (col. 3, line 35) authentication of previously-purchased autographed articles (although Applicant submits there is no suggestion to combine with the dating service of Collins to do so). Assume, arguendo, this is done via a time rather than some other means. One would presumably see an image of the person midway through signing the article. There is no suggestion that these photographs (the image in digital or other form) be made the subject of purchase. There is no suggestion that these photographs, themselves, be autographed. The other references to not provide such suggestions, either. These deficiencies of rejection apply to all rejected claims. Thus the rejected claims are neither anticipated nor obvious.

However, in view of the amendment, the rejection is believed moot

Accordingly, Applicant submits that claims 1-11 and 13-18 are in condition for allowance. Please charge any fees or deficiency or credit any overpayment to our Deposit Account 02-0184.

Respectfully submitted,

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